

Notice of Allowability

Application No.

10/714,491

Applicant(s)

YATAKE, MASAHIRO

Examiner

Vickey Ronesi

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 6/11/2007.
2. ☒ The allowed claim(s) is/are 1-3,6-10,12,13,15,16,18,19 and 21-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 1/20/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 6/20/07
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 6/20/2007, the examiner requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 12-0425 the required fee of \$120 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Clifford Mass on 6/20/2007.

The application has been amended as follows:

IN THE CLAIMS:

- In claim 7, line 1, after the phrase "where the", insert the word --substance--.
- In claims 8, 18, and 19 (line 2 of each claim), replace the term "colorant" with --pigment--.
- Cancel claims 11, 14, 17, and 20.

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- In claim 21, line 3, replace the term "he" with --the--.
- In claim 22, line 3, replace the phrase "would result" with the term --results--.

Statement of Reasons for Allowance

The present claims are allowable over the closest prior art WO 2001/44384 and EP 676140, either together or taken individually, for the following reasons:

The present claims are drawn to an ink jet recording ink containing water, a colorant comprising a pigment encapsulated by a polymer having a carboxyl group, and 100-800 ppm octylisothiazolone and 10-500 ppm methylisothiazolone, wherein the combined amount of octylisothiazolone and methylisothiazolone is 110-1300 ppm and the ink has a final viscosity after storage in a stoppered vial for 30 days at 70°C that is 1.0-1.2 times greater than viscosity of the ink before storage. A method of improving storage stability is also claimed.

WO 2001/44384 discloses ink jet ink comprising water and microencapsulated pigment coated with carboxyl group-containing polymer, however, it fails to disclose the use of both octylisothiazolone and methylisothiazolone. To make up for this deficiency, EP 676140 was relied upon to teach that a blend of octylisothiazolone and methylisothiazolone provides for improved control against fungi and bacteria, however, EP 676140 discloses amounts both inside and outside the presently claimed ranges. The data in the specification as originally filed, shows criticality for the presently claimed ranges and is a proper comparison to the closest prior art given that composition with 10-500 ppm methylisothiazolone have significantly improved storage stability as presently claimed.

Thus, it is clear that WO 2001/44384 and EP 676140 do not disclose or suggest the claimed invention.

In light of the above, it is clear that rejections of record are untenable and thus the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vickey Ronesi whose telephone number is (571) 272-2701. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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6/20/2007

Vickey Ronesi



/Vasu Jagannathan/
Supervisory Patent Examiner
Technology Center 1700